



PUBLIC NOTICE

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NATIVE NATIONS COMMUNICATIONS TASK FORCE NOTICE REGARDING FIRST MEETING AND *EX PARTE* STATUS OF PRESENTATIONS

The Federal Communications Commission (FCC or Commission) recently announced the membership of the Native Nations Communications Task Force (Task Force).¹ The Task Force will conduct its first meeting at FCC Headquarters on December 4-5, 2018.

The Task Force, composed exclusively of Tribal officials, is not subject to the procedures set forth in the Federal Advisory Committee Act (FACA)² because of an exemption provided under the Unfunded Mandates Reform Act (UMRA).³ The UMRA exemption is intended to promote the free exchange of ideas between officials of the federal government and state, local and tribal governments (or their designated employees) on matters of common interest while meeting in closed sessions.⁴ Accordingly, meetings of the Task Force are not open to the public.

Because the UMRA exemption provides for conversations among the Task Force members and Commission staff or Commissioners, pursuant to section 1.1200(a) of the Commission's rules, 47 CFR § 1.1200(a), presentations to the Task Force, including to any subcommittees and working groups and at any roundtable discussions sponsored by the Task Force, and presentations between Task Force members and FCC staff or Commissioners, will be treated as exempt presentations for *ex parte* purposes. This treatment is appropriate since such presentations, like comments on a Notice of Inquiry, will not directly result in the promulgation of new rules.⁵

We recognize, however, that in the course of its work the Task Force may address issues that are subject to pending rulemaking proceedings. The Commission will not rely in these proceedings on any information submitted to the Task Force, or to any of its subcommittees, working groups, or sponsored

¹ *Chairman Pai Announces New Appointments to the Native Nations Communications Task Force*, Public Notice, DA 18-1083 (October 24, 2018).

² See 5 U.S.C. App.2.

³ See 2 U.S.C. §1534(b).

⁴ UMRA permits federal officials or their designated employees to speak with their state, local, and tribal counterparts without implicating the FACA as long as a two-part test set forth in 2 U.S.C. §1534(b) is satisfied: “(1) meetings are held exclusively between federal officials and elected officers of state, local, and tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities”; and (2) “such meetings are solely for the purpose of exchanging views, information, or advice relating to the management or implementation of federal programs established pursuant to statute, that explicitly or inherently share intergovernmental responsibilities or administration.”

⁵ See 47 CFR § 1.1204(b)(1) (exempt treatment of presentations regarding a Notice of Inquiry).

roundtables, or information conveyed by Task Force members to FCC staff or Commissioners, unless that information is first placed in the record of the relevant proceeding.

For additional information regarding the Task Force, you may contact Janet Sievert at (202) 418-1362 or janet.sievert@fcc.gov.

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